G. R. S. 58]

Previous references.

File No. 23 – 14

1914.15

Serial Nos. 1 – 3

(Legn)

Later references.

CB. 24-15

B 140-187 (166)

C.B. 228-45 4.
258-45-1.

Preserve for 11 years

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 – 3

Part B for June 1915

SUBJECT.

Rules under section 7 of the Mysore Chief Court Regulation, 1884.

J 4223—Legis 23-14-3 ...	5	Do	Notifies that, under Section 7 of the Mysore Chief Court Regulation, the Government of His Highness the Maharaja of Mysore are pleased to prescribe the following rules:— (1) The appointment of Registrar shall be made from those who are already in the service of Government (permanent or temporary) and are either Subordinate Judges, or are qualified to be appointed as Subordinate Judges and that of Deputy Registrar from those who are already in service as Munsiffs or are qualified to be appointed as Munsiffs. (2) All appointments made by the Chief Court carrying a salary of Rs. 100 or more or rising by increments to such salary, shall be subject to confirmation by Government.

GPB—10,000—23-3-15

K. Ghosal
2.7.15

G.R.S. 11] 1914-15

GENERAL AND REVENUE SECRETARIAT.

(Legis)

NOTES.

File No. 23-14

FILE HEADING.

Rules under sec: 7 of the Mysore Chief Court Regulation, 1884

From

No.	Dated	Received

Diary No.	Enclos.	Spare Copies.	Serial No.

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS.

Extract from paras 41 and 42 of Legis 23 of 1913-14 (Page 14 of the Notes).

P. "41. The two rules under the Chief Court Regulation which have not gone before the Chief Court already may be referred officially

NOTES—First Sheet.

GPB.—35,000—15-6-12

1037

(3

G. R. S. 12]

General and Revenue Secretariat. | Legis File No. 23 of 1914.

Serial No.

7) Paramaswara Aiyar J suggests that Govt should lay down the qualifications and general principles indicating the field of selection for all appointments of Rs 100/- & above and require detailed & immediate reports of appointments for exercising, if need be, the power of veto and recommends that the Civil Courts Regn & the Chief Court Regn be amended accordingly.

8) The Chief Judge considers that Rule 1 is unduly restrictive especially in the case of the Regr's appointment, and though he has no objection to the limitation to officers in service, he would not restrict it to those in the Judl. Dept and agrees with the Justice Chandrasekhara Aiyar in making persons qualified to be appointed eligible. As to rule 2 he has no objection.

Sealed AB 54 13-10-14

9) Please put up Leg file 23 of 13-14 and also the secretary's note about the operation of civil service Rules which necessitates the proposed amendments.

10) 23/10

To council sec: to note if the secretary's note referred to above could be sent for perusal by the Asst Secretary Rs III

(48) 18/11/14

NOTE—Contn. sheet.

GPB—03,000—15-9-14

g 1037

(5

G. R. S. 12]

General and Revenue Secretariat. | Legs. File No. 23 of 1914-15

Serial No.

16) This will be circulated for consideration at a meeting of the Council if the Dewan approves.

Dewan 4/3

Dewan)

5847
6-3-15

17) Yes (
28.3.15.

C.S. on tour 9/3

18) seen
31/3

3.4.15

NOTE—Contn. sheet.

GPB—25,000—2-11-14

GPB—1,000—19-7-13

(6

Extract from the Proceedings of the 349th Meeting of the Council of His Highness the Maharaja, held at Bangalore on the 14th April 1915.

20. Subject.-(Clause ii of the Schedule).

Rules under section 7 of the Mysore Chief Court Regulation, 1884.

OPINION OF THE COUNCIL.

(9) The rules may be approved.

Sd/- M. Visvesvaraya.
Dewan of Mysore.

" E x t r a c t "

Dy. Secretary to Government.

(7

H. R. S. 12]

General and Revenue Secretariat.	Legis File No. 23 of 1914-15
Serial No. 20	A draft Submission Note is put up. Dewan.

Dewan 1/5

7047
3.5.15

NOTE—Contn. sheet.

GPB—25,000—2-11-14

(8

Submitted to His Highness.

Copy sent up.

21) Under section 7 of the Mysore Chief Court Regulation, 1884, powers are conferred on the Government to frame rules for the appointment by the Chief Court of a Registrar, Deputy Registrar and other ministerial officers. No rules however have been prescribed. With a view to securing uniformity of procedure it is considered necessary to frame rules in the matter.

Draft for approval
Papers must be disposed.
D

22) 2. The draft put up in the file is in accordance with the opinion of the majority of the Judges of the Chief Court and the Council are also in favour of the same.

23) 3. The rules may be approved.

M. Visvesvaraya
10th May 1915

1037

(60)

R. S. 12]

General and Revenue Secretariat.	Legis File No. 23 of 1914.

Serial No.	
3	To the Compiler, Mysore Gazette. No. J. 4-2-23 Dy. 5-6-15. Notifies the rules framed re the appointment of Registrar & of the Dy Registrar

Legis 23/1

B 23/6

—Contn. sheet.

GPB—25,000—2-11-14

1037
(13)
1914 19 15
SECTION Legis
FILE No. 23-14
No. 2

No 1327/81 one

Chief Court of Mysore,
Bangalore, dated 21st September 1914

From

T. Venkoba Rao Esq., B.A.,B.L.,
Ag. Registrar, Chief Court of Mysore.

To

D.M. Narasinga Rao Esq., B.A.,B.L.,
Offg. Secretary to Government,
General & Revenue Departments.

S i r ,

I am directed t o submit for the information of the Government the opinions of the Judges on the draft rules which accompanied your letter No.J.660/Legis.23-14-1 dated the 8th instant.

The opinions are appended hereto.

I have the honor to be,

Sir,

Your most obedient servant,

Ag, Registrar.

(14

Encl to Legn 23-14-2

MINUTES.

Mr. Justice K.S.CHANDRASEKHARA AIYAR:-

The appointments of Registrar and Deputy Registrar are ministerial in their nature, and are also regarded and described as such in the Chief Court Regulation, - [Vide Section 7 (Cll. 1 and 3), Section 8, and Section 18 (items firstly and secondly)]. That being so, I do not know why the field of selection to these appointments should be unduly narrowed by restricting the choice to Subordinate Judges and Munsiffs respectively. Judicial training does not necessarily make a man a good ministerial officer, any more than ministerial training necessarily makes a man a good Judge.

But supposing that there are good reasons for imposing such a restriction, I would venture to suggest that officers who, though not actually doing duty as Subordinate Judges or Munsiffs, are qualified to be appointed as Subordinate Judges and Munsiffs, should also be included in the range of choice. If they are good enough to be appointed as Subordinate Judges and Munsiffs, surely they are good enough to be appointed as Registrar or Deputy Registrar! Otherwise there would be little meaning in including these appointments in the same category. To exclude such men from consideration merely because, owing to the paucity of vacancies, they have not yet had a chance of acting as Subordinate Judge or Munsiff, is unjust to the officers themselves, and unwise from the point of view of the efficiency of work.

I fully agree with the other reasons against making a rule of the kind proposed which are given by the Chief Judge in his minute.

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Mr. Justice T.PARAMASIVA IYER:-

The present restrictions in the shape of Government Rules on our powers of patronage under Section 7 of the Chief Court Regulation are (1) that we should treat a Registrar's vacancy as a Subordinate Judge's vacancy and (2) confine our selection to Munsiffs and members of the civil service. Another Rule provides that when a member of the Civil service is promoted to be Subordinate Judge, a Munsiff is entitled to be taken into the civil service. These Rules in my opinion are satisfactory in every way. Possibly the Government consider we are not competent to select a judicial officer out of the civil service. But as the civil service must necessarily comprise a number of Munsiffs whose capacity for civil work is known and recorded in the Chief Court, and the magisterial work of the civil service comes under our view in appeal, revision and calendars and during inspections, we are in a better position to select a suitable officer from the civil service than the Government. The present proposal means that the Registrar's office in our own court should be filled up by transfer of one of three officers of the same class, leaving the substantive resultant vacancy of a Subordinate Judge proper to the Government itself. Six months ago when this court nominated a Munsiff and two of the Judges also forwarded a list of four candidates in the order of merit fit to be Munsiffs, the Government chose a sixth man and appointed him to the vacancy, and I need not refer in detail to what happened in the case of the latest vacancy to which Government appointed Mr. Veerabasaviah.

(16

It seems to me in these circumstances that the Government naturally feel that it would be improper to allow the Chief Court higher powers of patronage by way of 'appointment' as regards an office they have classed with Subordinate Judgships, than with regard to Munsiffs whom we can only 'nominate'. If this be so, I would ~~xx~~ rather they exercised their legislative powers to take away our powers under the Regulation than by restricting it in the manner proposed. For my part I consider that as regards patronage the Chief Court should be put on the same footing as the High Courts in British India. The Judges are not like other heads of Departments, they are appointed by the Maharaja under a special law as High Court Judges are appointed by the King Emperor in British India and in the absence of a Privy Council, the Chief Court occupies a more responsible position than a British Indian High Court and my proposal would be in keeping with the British system of administration which it is the peculiar privilege and pride of our Maharaja and his Government to maintain and enforce. I would recommend that Government should be content with laying down qualifications and general principles indicating the field of selection ~~of~~ for all appointments of Rs. 100/- and over and requiring detailed and immediate reports as to persons appointed to vacancies in view to exercise their power of veto should the principles and qualifications laid down by them happen to be overlooked. I would amend the Civil Courts Regulation as well as the Chief Court Regulation in this sense.

13th September 1914.

The

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The CHIEF JUDGE :-

I have read the minutes of my colleagues and agree generally.

The first rule seems to tie the hands of Government and the Court unnecessarily, especially in the matter of the Registrar's appointment. There are only three Subordinate Judges in the State, and it might easily happen that none of them was willing or suitable, to take office as Registrar. It would be but a clumsy device to appoint one of them Registrar, then to appoint an officer suitable for a Registrar as Subordinate Judge in his place, and then to make the two change places. The Secretary's letter does not explain the object of Rule 1 and I think there is no need to limit the choice of the court to officers already holding office as Subordinate Judges or Munsiffs as the case may be. I do not object to the limitation to officers already in the service but would not restrict the choice to the judicial branch of the ~~service~~ service or to officers serving in particular grades. As the offices in question are graded as Subordinate Judge and Munsiff I agree with Chandrasekhara Aiyar, J. that the choice might be limited to officers qualified to be Subordinate Judge or Munsiff. The office of Registrar or Deputy Registrar affords some training in practice and procedure but does not require an officer who has had experience as a Subordinate Judge. To preclude the selection of a promising qualified officer who had not happened to obtain a judicial appointment would in my opinion be prejudicial to the interests of service.

(18)

As regards the second rule I do not object to it as matters stand. I am not sure that the making of appointments by Government 'on nomination' by the Court, or by the Court, 'subject to the sanction of the Government', is very satisfactory, but so long as it continues I have no objection to the issue of Rule 2.

19th September 1914.

N.G.

" Copy "
Wenkalen Rees
Dy. Registrar

Legs. 23-14-3 (19

Notification No. J 4223

Mysore Gazette
P. I P. 918 dy. 10. 6. 15.

4/6 Tr 637

Translated

Under Section 7 of the Mysore Chief Court Regulation, the Government of His Highness the Maharaja are pleased to prescribe the following Rules:-

Date of issue. 5/6/1915.
Signed by Mr. D. Ri. Narasinga Rao.

1. The appointment of Registrar shall be made from those who are already in the Service of Government (Permanent or temporary) and are either Subordinate Judges, and that of Deputy Registrar from those who are already in service as Munsiffs, or are qualified to be appointed as Munsiffs.

or are qualified to be appointed as subordinate Judges.

2. All appointments made by the Chief Court carrying a salary of Rs 100 or more or rising by increments to such salary, shall be subject to confirmation by Government.

3/3/15

H. K. S.

5.

4/6/15